

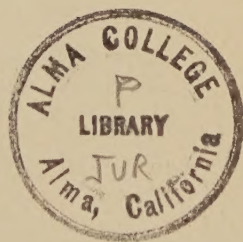
THE JURIST

A Quarterly Review

Published by the School of Canon Law

Vol. IV

JANUARY—OCTOBER, 1944



THE CATHOLIC UNIVERSITY OF AMERICA
WASHINGTON, D. C.

1944

21245

CONTENTS VOL. IV

JANUARY, 1944

I. PROCEDURE IN SUMMARY CASES. A SURVEY OF CANONS 1990-1992 AND ARTICLES 226-230 OF THE INSTRUCTION <i>Provida</i>	<i>W. J. Doheny, C.S.C.</i>	1
II. THE ORIGIN AND DEVELOPMENT OF CANON LAW	<i>William R. O'Connor</i>	54
III. THE FUNDAMENTAL PRINCIPLES OF THE PHILOSOPHY OF CANON LAW	<i>Willibald Plöchl</i>	70
IV. THE ORIGIN AND DEVELOPMENT OF THE TERM, "TITLE"	<i>Joseph J. Christ</i>	101
V. CASES AND STUDIES:		
1. The Test of Catholicity under Canon 1099: Objections Resolved	<i>William F. Allen</i>	124
2. Whence the Right of the Bride's Pastor	<i>Thomas J. Tobin</i>	130
3. Canon 829 Does Not Modify the Gift on Condition Precedent of a Mass Stipend	<i>Kenneth R. O'Brien</i> <i>Daniel E. O'Brien</i>	133
4. Validation of a Convert Marriage	<i>Clement Bastnagel</i>	142
5. Status of Religious Oratory after Waiver of Right to Public Oratory	<i>Clement Bastnagel</i>	151
6. Dispensations by a Chancellor	<i>Jerome D. Hannan</i>	158
7. Civil Divorce Requisite for Ecclesiastical Adjudication	<i>Jerome D. Hannan</i>	160
VI. DECREES AND DECISIONS:		
Canonical		
1. <i>De Prohibitione Librorum</i>		162
2. <i>Distributionum inter Presentes</i>		163
3. <i>Reservationum Apostolicarum</i>		166
4. <i>Ordo Benedicendi et Imponendi</i> <i>Quinque Scapularia Sub Unica Formula</i> <i>Secundum Ritum Byzantinum</i>		169
5. Indulgence for Prayer to the Most Holy Trinity		170
6. Day of Prayer		170
7. Custody of the Blessed Sacrament		170
8. Biblical Scholarship		171
9. Beatification		171
Secular		171
VII. REVIEWS:		
Books	<i>Edward Roelker</i>	177
Periodicals	<i>Stephan Kuttner</i>	179
VIII. CHRONICLE:		
General		184
University		189
Dignities		190
The Canon Law Society of America		192
The Riccobono Seminar of Roman Law in America		198

APRIL, 1944

I. IN MEMORIAM—REV. CHARLES AUGUSTINE BACHOFEN, O.S.B.....	199
II. MATRIMONIAL LAWS OF THE CATHOLIC EASTERN CHURCHES <i>Stephen C. Gulovich</i>	200
III. MARRIAGE, DIVORCE, AND ANNULMENTS	<i>James P. Kelly</i> 246
IV. FOUNDATIONS FOR MASSES SHOULD NEVER CREATE TRUSTS <i>Kenneth R. O'Brien</i>	284
V. DECREES AND DECISIONS:	
Canonical	
Epistula de Custodia et Protectione Sanctissimae Eucharistiae	318
Decreta Sacrae Congregationis Rituum Beatificationis et Canonizationis	321
Responsum Pontificiae Commissionis de Re Biblica	323
War Time Eucharistic Faculties Granted in Favor of the Church in Canada	324
Miscellaneous	327
Secular	
Draft of Federal Rules of Criminal Procedure	328
Miscellaneous	328
VI. REVIEWS:	
Book: The Canon Law Digest, Vol. II—Rev. T. Lincoln Bouscaren, S.J., S.T.D.	<i>Edward Roelker</i> 336
Periodicals	<i>Stephan Kuttner</i> 338
VII. CHRONICLE:	
General	342
Dignities	346
The Riccobono Seminar of Roman Law in America	348

JULY, 1944

I. SOME MEDICO-PSYCHOLOGICAL REMARKS ON CANONS 1068, 1081, AND 1087	<i>Rudolf Allers</i>	351
II. GENERAL NORMS OF CANON LAW AS FOUND IN THE FIRST BOOK OF THE CODE	<i>Francis J. Murphy</i>	381
III. PERSONS AND JURIDICAL PERSONALITIES IN CANON LAW	<i>Eugene A. Dooley</i>	405
IV. JURIDICAL INSTITUTIONS IN THE CANON AND THE COMMON LAW	<i>Brendan F. Brown</i>	433
V. CASES AND STUDIES:		
Some Implications of The Code of Canon Law for Legal Philosophy	<i>Miriam Theresa Rooney</i>	450
Observance of State Laws in Ecclesiastical Mortgages	<i>Joseph B. Stenger</i>	463
Competence in Determining Free State Arising from Interrelation of Issues	<i>Timothy J. Champoux</i>	473
VI. DECREES AND DECISIONS:		
Canonical		
General Absolution		477
False Views on Marriage		477
Canonization of Blessed Margaret of Hungary		478
Miscellaneous		478
Secular		
Education		478
Selective Service		479
Hospitalization		479
Miscellaneous		479
VII. CHRONICLE:		
University		481
General		484
Dignities		488
The Riccobono Seminar of Roman Law in America		490

OCTOBER, 1944

I. ACQUIRED RIGHTS AND THE RETROACTIVITY OF LAWS	<i>Edward Roelker</i>	491
II. THE CANON LAW OF WILLS	<i>Jerome D. Hannan</i>	522
III. THE JUDICIARY DEPARTMENT OF THE CHURCH	<i>Robert E. McCormick</i>	548
IV. PENAL LEGISLATION IN THE CODE OF CANON LAW	<i>John M. Costello</i>	572
V. CASES AND STUDIES:		
1. Profession of Faith by Converts	<i>Joseph G. Goodwine</i>	610
2. Non-Catholic Petitioners and Plaintiffs ...	<i>Jerome D. Hannan</i>	623
VI. DECREES AND DECISIONS:		
Canonical		
1. De Denuntiatione Nullitatis Matrimonii		627
2. De Declaratione Nullitatis Matrimonii		627
3. De Usu Salivae in Administratione Baptismi		629
4. De Sacris Oleis Anno MCMXLIII Confectis		630
5. Resolutio Casus Reservationis Beneficiorum in Urbe		630
Secular		
Recent Decisions Affecting Liability of Charity for Damages Due to Negligence		632
VII. REVIEWS:		
Periodicals		642
VIII. CHRONICLE:		
General		647
Dignities		649

